### Fwk

#### A community is both defined and destabilized by what it excludes – violence is the constitutive condition of any ethico-political order. We cannot escape that violence and participate even in our attempts to catalogue it. The task of politics is to search for a “lesser violence,” even though that’s never innocent.

**Hagglund**, Martin. 2006. “The Necessity of Discrimination: Disjoining Derrida and Levinas.” diacritics 34 (1): 40–71.

There is no opposition between undecidability and the making of decisions. On the contrary, Derrida emphasizes that one always acts in relation to what cannot be predicted, that one always is forced to make decisions even though the consequences of these decisions cannot be fi nally established. Any kind of decision (ethical, political, juridical, and so forth) is more or less violent, but it is nevertheless necessary to make decisions. Once again, I want to stress that **violent differentiation by no means should be understood as a Fall, where violence supervenes upon a harmony** that precedes it. **On the contrary,** discrimination has to be regarded as a constitutive condition. **Without divisional marks**—which is to say: without segregating borders—**there would be nothing at all.** In effect, **every attempt to organize life in accordance with ethical or political prescriptions will** have **be**en **marked by** a fundamental **duplicity.** On the one hand, **it is necessary to draw boundaries**, to demarcate, in order **to form any community whatsoever**. On the other hand, it is precisely **because of these excluding borders** that **every** kind of **community is characterized by a** more or less **palpable instability.** What cannot be included opens the threat as well as the chance that the prevalent order may be transformed or subverted. In Specters of Marx, Derrida pursues this argument in terms of an originary “spectrality.” A salient connotation concerns phantoms and specters as haunting reminders of the victims of historical violence, of those who have been excluded or extinguished from the formation of a society. The notion of spectrality is not, however, exhausted by these ghosts that question the good conscience of a state, a nation, or an ideology. Rather, Derridaʼs aim is to formulate a general “hauntology” (hantologie), in contrast to the traditional “ontology” that thinks being in terms of self-identical presence. What is important about the fi gure of the specter, then, is that it cannot be fully present: it has no being in itself but marks a relation to what is no longer or not yet. And since time— the disjointure between past and future—is a condition even for the slightest moment, Derrida argues that spectrality is at work in everything that happens. **An identity or community can never escape the machinery of exclusion**, can never fail to engender ghosts, **since it must demarcate itself** against a past that cannot be encompassed and a future that cannot be anticipated. Inversely, **it will always be threatened by what it cannot integrate** in itself—haunted by the negated, the neglected, and the unforeseeable. Thus, a rigorous deconstructive thinking maintains that **we are always already inscribed in an “economy of violence”** where we are both excluding and being excluded. No position can be autonomous or absolute but is necessarily bound to other positions that it violates and by which it is violated. **The struggle for justice can thus not be a struggle for peace, but only for** what I will call **“lesser violence.”** Derrida himself only uses this term briefly in his essay “Violence and Metaphysics,” but I will seek to develop its significance.12 The starting point for my argument is that **all decisions** made **in the name of justice are made in view of what is judged to be the lesser** violence. If there is always an economy of violence, **decisions of justice cannot be a matter of choosing what is nonviolent.** To justify something is rather to contend that it is less violent than something else. This does not mean that decisions made in view of lesser violence are actually less violent than the violence they oppose. On the contrary, even the most horrendous acts are justifi ed in view of what is judged to be the lesser violence. For example, justifications of genocide clearly appeal to an argument for lesser violence, since the extinction of the group in question is claimed to be less violent than the dangers it poses to another group. The disquieting point, however, is that all decisions of justice are implicated in the logic of violence. **The desire for lesser violence is never innocent, since it is a desire for violence in one form or another, and there can be no guarantee that it is in the service of** perpetrating **the better.**

#### Ideal theory and abstract utopianism are self-defeating: we can criticize social injustices but the ultimate question is what sort of institutions organize and channel violence better.

**Hagglund 2**, Martin. 2006. “The Necessity of Discrimination: Disjoining Derrida and Levinas.” diacritics 34 (1): 40–71.

It is only by coming to terms with the deconstructive “logic” of violence that one can assess the ethico-political significance of deconstruction. **The** deconstructive **logic of violence does not prevent one from criticizing social injustices or** any other forms of **violence, but it exposes the** internal **contradictions of** the **doctrines that hold it to be desirable to eliminate exclusion once and for all.** Discrimination is a constitutive condition. The negotiation of it cannot be governed by a regulative idea or harbor any assurance of its own legitimacy. **For** precisely **this reason it will always be urgent to reflect on ethico-political questions, to work out strategies for a “lesser violence” that is essentially precarious.** Those who, like Levinas, proceed from metaphysical premises of how things ought to be will in one way or another attempt to deny this predicament for the benefit of one ideal or another. But the argument here is that one thereby [ignore] blinds oneself to the condition that makes responsibility possible, while at the same time making it impossible to sustain the metaphysical values and ethico-theoretical decisions by which Levinas lets himself be guided.

#### The solution is agonism: a politics that distinguishes the enemy from the adversary by the agonistic principle: the inclusion of all who accept the contestability of their own points of view. This constructs a polity despite the facts of pluralism and violence.

Chantal **Mouffe 10**, political theorist, 7-25-2010, "Chantal Mouffe: Agonistic Democracy and Radical Politics," Pavilion #15, http://pavilionmagazine.org/chantal-mouffe-agonistic-democracy-and-radical-politics/

I myself argue that **only by taking account of the political in its dimension of antagonism can one grasp the challenge democratic politics must face. Public life will never be able to dispense with antagonism for it concerns public action and** the formation of **collective identities. It attempts to constitute a ‘we’ in a context of diversity and conflict. Yet,** in order **to constitute a ‘we’, one must distinguish it from a ‘they’.** Consequently, **the crucial question of democratic politics is** not to reach a consensus without exclusion which would amount to creating a ‘we’ without a corollary ‘they’ but **to manage to establish the we/they** discrimination **in a manner compatible with pluralism.** ¶ According to the ‘agonistic pluralism’ model that I developed in The Democratic Paradox (London: Verso, 2000) and On the Political (London: Routledge, 2005), **pluralist democracy is characterised by the introduction of a distinction between the categories of enemy and adversary. This means** that **within the** ‘we’ that constitutes the **political community, the opponent is not** considered **an enemy to be destroyed but an adversary whose existence is legitimate.** His **[Their] ideas will be fought with vigour but [their]**his **right to defend them will never be questioned.**

#### So, the standard is consistency with the agonistic principle. Prefer –

#### 1. The framework deduces the nature of the political community, which is a prior question – only by understanding the kind of thing it is can we understand their obligations – different roles have different obligations.

#### 2. Only a radical democracy that constantly questions its own foundations can ever be open to radical revision – other systems insist on their own foundation and can’t accommodate changing views that make them exclusionary or illegitimate. The aff is a better model for constructing a political institution that must secure its own legitimacy over time and to changing groups of citizens. Controls the internal link to other evaluative mechanisms: agonism makes it possible to implement them AND be receptive of the demands of justice to come, which is also a net benefit.

#### 3. Rules cannot determine their own application: we reason within a framework of language and norms, but how to apply each of those norms in to a new situation is radically indeterminate. Holton provides a mathematical example:

Holton, Richard. "Meaning and Rule-Following."

The central idea is easily put. **Imagine an individual who makes statements using the sign ‘+’**. For instance, they say **‘14 + 7 = 21’, ‘3 + 23 = 26’. It might be thought** that **they are following the rule that ‘+’ denotes the plus function.** But **consider** the **sums** using ‘+’ that **they have never performed before** (there must be infinitely many of these, since they can only have performed finitely many sums). **Suppose** that **‘68 + 57’** is one such. **Now consider the quus function, which is** stipulated to be **just like the plus function, except that 68 quus 57 is 5. What is it** about the individual **that makes it true** that **they have been** using ‘=’ to **denot[ing]**e the **plus** function **rather than** the **quus** function**?** By hypothesis it cannot be that they have returned the answer ‘125’ to the question ‘What is 68 + 57?’, since they have never performed that sum before. **The immediate response is that the individual meant plus in virtue of** having mastered **some further rule: for instance,** the rule **that**, to obtain the answer to the question ‘What is 68 + 57?’ **one counts out** a heap of 68 marbles, counts out another of 57, combines the two heaps, and then counts **the result. But now reapply the worry.** How can it be known that by ‘count’ the individual did not mean ‘quount’, where, of course, this means the same as ‘count’ except when applied to a heap constructed from two piles, one containing 68 objects, the other containing 57, in which case one correctly quounts the pile if one simply returns the answer 5? **One might** try to **fix the meaning** of ‘count’ **by some further rule; but this will just invite** further worries about what is meant by the words occurring in that rule. Clearly there is a **regress. Any rule that is offered to fix the interpretation of a rule will always be open to further interpretations itself.**

#### Impacts:

#### A. No ethical deduction can settle our conflicts, even when our beliefs are inclusive and deeply held. Consensus is a contingent achievement of political dialogue, and cannot be prescribed in advance.

#### B. Only agonism accounts for the diversity of interpretations of our norms. Democratic citizenship has diverse forms, none of which can be privileged a priori.

**Mouffe 2k**, Chantal. "Wittgenstein, political theory and democracy." The Democratic Paradox 60 (2000): 79.

»Following a rule«, says Wittgenstein, »is analogous to obeying an order. We are trained to do so; we react to an order in a particular way. But what **if one person reacts in one way and another in another** to the order and the training? **Which** one **is right?**« 24 **This** is indeed a crucial **question** for democratic theory. It **cannot be resolved**, pace the rationalists, **by claiming that there is a correct understanding** of the rule **that every rational person should accept.** To be sure, we need to be able to distinguish between »obeying the rule« and »going against it«. But **space needs to be provided for the many different practices** in which obedience to the democratic rules can be inscribed. And this should not be envisaged as a temporary accommodation, as a stage in the process leading to the realization of the rational consensus, but as a constitutive feature of a democratic society. **Democratic citizenship can take many diverse forms and such a diversity**, far from being a danger for democracy, **is** in fact **its** very **condition of existence.** This will, of course, create conflict and it would be a mistake to expect all those different understanding to coexist without clashing. But **this struggle will not be** one **between "enemies" but among "adversaries" since all** participants will **recognize the positions of the others** in the contest as legitimate ones. This type of "agonistic pluralism" is unthinkable within a rationalistic problematic because it, by necessity, tend to erase diversity. Wittgenstein, on the contrary, can help us to formulate it and this is why his contribution to democratic thinking is invaluable.

### Impact Calc

#### 1. Speech cannot be judged a priori from outside the community – these norms are contingent and not determined in advance. The community may reject particular kinds of speech and we can agree here that they should, but that judgment only aquires normative force in a community.

#### 2. The framework is about the relationships between people with different viewpoints – agonism is about the right to express a viewpoint, not the reaction to it – people rejecting your perspective is fine – it’s the natural conclusion of contestability.

#### 3. Policy consequences aren’t relevant since the framework is a question of the foundation of the political community: the agonistic principle is the necessary right that creates the community, so it cannot act against it.

### Contention

#### The principle of free speech in academic spaces affirms each person’s right to make their own decisions instead of being told what to believe by governmental or corporate interests. It doesn’t aim at agreement but preserves the agon.

Judith **Butler 13**, 2-7-2013, professor in the Rhetoric and Comparative Literature department at UC Berkeley. She is the author of several books on feminist theory, continental philosophy and contemporary politics, "Judith Butler’s Remarks to Brooklyn College on BDS," Nation, https://www.thenation.com/article/judith-butlers-remarks-brooklyn-college-bds/

**The principle of academic freedom is designed to make sure that powers outside the university**, **including government and corporations**, **are not able to control the curriculum or intervene** in extra-mural speech. It not only bars such interventions, but it also protects those platforms in which we might be able to reflect together on the most difficult **problems. You can judge for yourself whether or not my reasons** for lending my support to this movement **are good ones. That is,** after all, **what academic debate is about. It is also what democratic debate is about, which suggests that open debate** about difficult topics **functions as a meeting point between democracy and the academy.** Instead of asking right away whether we are for or against this movement, perhaps we can pause just long enough to find out what exactly this is, the Boycott, Divestment and Sanctions movement, and why it is so difficult to speak about this. I am not asking anyone to join a movement this evening. I am not even a leader of this movement or part of any of its governing committee, even though the New York Times tried to anoint me the other day—I appreciated their subsequent retraction, and I apologize to my Palestinian colleagues for their error. The movement, in fact, has been organized and led by Palestinians seeking rights of political self-determination, including Omar Barghouti, who was invited first by the Students for Justice in Palestine, after which I was invited to join him. At the time I thought it would be very much like other events I have attended, a conversation with a few dozen student activists in the basement of a student center. So, as you can see, I am surprised and ill-prepared for what has happened. Omar will speak in a moment about what the BDS movement is, its successes and its aspirations. But I would like briefly to continue with the question, **what precisely are we doing** here this evening**? I presume that you came to hear what there is to be said**, **and** so to **test your preconceptions** against what some people have to say, to see whether your objections can be met and your questions answered. In other words, you come here to exercise critical judgment, and **if the arguments you hear are not convincing, you will be able to cite them, to develop your opposing view and to communicate that as you wish**. In this way, your **being here** this evening **confirms your right to form and communicate an autonomous judgment**

Pedagogical spaces must be the starting point: the space for contestation requires a culture that educates agents to affirm it.

Henry A. **Giroux 13,** 12-17-2013, "Henry A. Giroux," Truthout, http://www.truth-out.org/news/item/20669-radical-democracy-against-cultures-of-violence

**Radical democracy is rooted in an acceptance of its historicity and imperfectability, thus demanding** a **constant** measure of self-questioning, **criticism and critical engagement.** Such a democracy implies a refusal of an endpoint, final stage or end of history narrative. Instead, it stresses what Samir Amin has termed "democratization - which stresses the dynamic aspect of a still-unfinished process."[30] Inherent in such a democracy is the need for labor to be subordinate to free time, experienced as a luxury rather than a deprivation, thus demanding a society that provides a social wage, democratized workplaces, egalitarian social services, ecologically sustainable technologies, free education and crucial social provisions. Democracy in this sense embodies an unrelenting fidelity and obligation not to perfectibility but to justice and an endless responsibility, as Jacques Derrida insists, to "the ghosts of those who are not yet born or who are already dead."[31] **Matters of pedagogy must be central to any politics that embraces** a notion of **radical democracy. The agents necessary for** such a **radical democratic politics can only be constructed through a critical formative culture and public pedagogy** produced largely through the media, education and other cultural apparatuses **that enable people to be effective political and ethical agent who can think critically, communicate to broader publics, and will organize collectively to implement and fight for a radical vision of democracy. There is nothing that guarantees** the existence of a sustainable **radical democracy. Democracy** in all of its forms **has to be** fought for, **struggled over**, and such struggles have to be relentless **because** of the possibility that **democracy can never guarantee its own existence.**[32] The struggle against casino capitalism must begin as not only a struggle over power, but as a concerted and widespread attempt to make education central to politics, to address what it means to change the way in which people see things, learn how to govern rather than be governed, and embrace a collective sense of agency in which history and the future is open.

#### Impacts:

#### A. Controls the internal link to all K alts and radical politics – the ability to speak out and fight for particular reforms is guaranteed by the agonistic mindset – alternatives shut down the collective ability to communicate to others to advance that agenda.

#### B. Coopts the prefiat layer – debate is an educational space that has educational norms attached to it. The argument for agonistic inclusion appeals on both layers, so instead of call-out culture, their arguments should just deny the truth of the aff.

#### C. Justifies switch-side debate: it advances tolerance and makes debaters better at understanding alternative views.

**Harrigan 8** (Casey, Associate Director of Debate at UGA, Master’s in Communications – Wake Forest U., “A Defense of Switch Side Debate”, Master’s thesis at Wake Forest, Department of Communication, May, pp.43-45

Even when limited to such a narrow realm of diversity, argumentative pluralism holds great promise for a politics based on understanding and accommodation that runs contrary to the dominant forces of economic, political, and social exclusion. **Pluralism requires that individuals acknowledge opposing beliefs and** arguments **by forcing an understanding that personal convictions are not universal.** Instead of blindly asserting a position as an “objective Truth,” advocates tolerate a multiplicity of perspectives, allowing a more panoramic understanding of the issue at hand (Mitchell and Suzuki 2004, p. 10). In doing so, the advocates frequently understand that there are persuasive arguments to be had on both sides of an issue. As a result, instead of advancing a cause through moralistic posturing or appeals to a falsely assumed universality (which, history has shown, frequently become justifications for scape-goating and exclusion), these proponents become purveyors of reasoned arguments that attempt to persuade others through deliberation. **A clear example** of this **occurs in competitive academic debate**. Switch-side debating has profound implications for pluralism. Personal convictions are supplemented by conviction in the process of debate. Instead of being personally invested in the truth and general acceptance of a position, debaters use arguments instrumentally, as tools, and as pedagogical devices in the search for larger truths. Beyond simply recognizing that more than one side exists for each issue, switch-side debate advances the larger cause of equality by fostering tolerance and empathy toward difference. Setting aside their own “ego-identification,” **students** realize that they **must listen and understand their opponent’s arguments well enough to become advocates on behalf of them in future debates** (Muir 1993, p. 289). Debaters assume the position of their opponents and understand how and why the position is constructed as it is. **As a result, they often come to understand that a strong case exists for opinions that they previously disregarded.** Recently, advocates of **switch side debating** have taken the case of **the practice** a step further, arguing that it, “**originates from a civic attitude that serves as a bulwark against fundamentalism of all stripes**” (English, Llano, Mitchell, Morrison, Rief and Woods 2007, p. 224). Debating practices that break down exclusive, dogmatic views may be one of the most robust checks against violence in contemporary society.

**So, role of the ballot is to evaluate the truth or falsity of the resolution using post-fiat offense through the lens of the framework.**

#### Next, censorship is an abysmal political strategy –

#### First, backlash – the attempt to close political space is always imperfect and engenders resistance

Bonnie **Honig 93**, Nancy Duke Lewis Professor in the departments of Modern Culture and Media (MCM) and Political Science at Brown, 4-15-1993, "Political Theory And The Displacement Of Politics," Cornell University Press.

**The perpetuity of contest is not easy to celebrate. My** own **afﬁrmation** of it **is animated**, not by the benighted teleological belief that politically active lives are necessarily fuller or more meaningful than their alternatives, but **by my conviction that the displacement of politics** with law or administration **engenders remainders that could disempower and perhaps even undermine democratic institutions and citizens.** The US. Supreme Court’s recent decision in Planned Parenthood of Southeastern Pennsylvania v. Carey supplied compelling new justiﬁcations for a woman's right to control her sexuality and reproductive freedom, but it also endorsed new restrictions on that right. **When a woman’s right to choose was ﬁrst recognized in** 1973 by a very different Court in **Roe v. Wade, many** citizens **celebrated the** Court‘s **decision as the end of a battle. Those opposed** to the decision, **however, vowed to roll back Roe v. Wade and. nineteen years later, they** have **had great success.**6 **The battle is being refought** in the Court and in the state houses. **Those who thought it was won in 1973 were surprised** by this sequence of events. **Many assumed that, once juridically recognized, the right** to abort a pregnancy **would never be returned to** the space of **political contest. In the past two decades they went on to ﬁght other battles, doing relatively little to mobilize citizens and communities to protect and stabilize this new right, leaving pro-life organizations relatively free to repoliticize and redeﬁne the issues.** In response to the juridical settlement of a woman's right to choose, pro-lifers focused on the fetus and the family and on the relations of obligation and responsibility that tie women to them. Soon abortion became known as baby killing. pro-choice became antifamily, and pregnant single women became icons of danger whose wanton, (literally) unregulated sexuality threatens the safety and the identity of the American family. These identities and identiﬁcations are not stable. But in the absence of resistance to them, they could be stabilized. That realization has energized pro-choice citizens into action in the last few years. and the sites of the battle are proliferating. ¶ These observations are by no means meant to imply that it would be better not to entrench a woman's right to terminate a pregnancy—that is a different debate, one that turns on considerations of political strategy and equal justice. My point is that **there is a lesson to be learned from the experience of those who misread Roe** as the end of a battle **and later found themselves ill equipped and unprepared** to stabilize and secure their still unstable rights **when they were repoliticized and contested by their opponents. In their mistaken belief that the agon had been successfully shut down** by law, **pro-choice citizens** ceded the agon to their opponents and **found**, years later, **that the terms of the contest had shifted against them. Disempowered by their belief that the law had settled the issue without remainder, they failed to engage the concerns of moderate citizens who harbored doubts about the morality of abortion, leaving them and their doubts to be mobilized and radicalized by those who had no doubts about the practice‘s immorality and who were determined to see it outlawed again.**7 ¶ **To afﬁrm the perpetuity of contest is** not to celebrate a world without points of stabilization; it is **to afﬁrm** the **reality** of perpetual contest. even within an ordered setting, and to identify the afﬁrmative dimensions of contestation. It is to see that **the always imperfect closure of political space tends to engender remainders and** that, **if** those remainders are **not engaged, they may return to haunt and destabilize the very closures that deny their existence.** It is to treat rights and law as a part of political contest rather than as the instruments of its closure It is to see that attempts to shut down the agon perpetually fail, that the best (or worst) they do is to displace politics onto other sites and topics, where the struggle of identity and difference, resistance and closure, is then repeated.8 These are the platforms of a virtu) theory of politics

#### Second, speech codes are clear policy failures – they don’t decrease bigotry, but they’re used against those they’re seeing to help.

Conor **Friedersdorf 15**, 12-10-2015, "The Lessons of Bygone Free-Speech Fights," Atlantic, http://www.theatlantic.com/politics/archive/2015/12/what-student-activists-can-learn-from-bygone-free-speech-fights/419178/

He was writing after the University of **Michigan**, the University of **Wisconsin**, **and Stanford implemented speech codes targeted at racist and sexist speech.** These were efforts to respond to increasing diversity on campuses, where a number of students spewed racist and sexist speech that most everyone in this room would condemn. But **those** speech codes **were policy failures. There is no evidence that hate speech or bigotry decreased on any campus that adopted them. At Michigan**, the speech code was analyzed by Marcia Pally, a professor of multicultural studies, who found that “**black students were accused of racist speech in almost 20 cases. Students were punished only twice** under the code’s anti-racist provisions, **both times for speech by or on behalf of blacks.**”

#### Third, retargeting – people with the ideologies you want to censor are still out there and use the censorship apparatus against you to advance their aims and suppress your speech.

Bart **Cammaerts 9**, London School of Economics and Political Science, England, 11-2009, "Radical pluralism and free speech in online public spaces," International Journal of Cultural Studies, http://eprints.lse.ac.uk/27895/1/Radical\_pluralism\_and\_free\_speech\_in\_online\_public\_spaces\_(LSERO).pdf

Internet filtering and monitoring remain technical and policy options when it comes to combating hate speech on the internet. However, active **censorship** in a democracy **tends to backfire**s in several ways. In relation to this case study, it could be argued that democracy might lose out in two ways. **First, anti-democratic forces are able to construct democratic parties and institutions as ‘undemocratic’** on a continuous basic, claiming that they suppress ‘the true thoughts of the people’, **using** in effect **the formal rules of democracy to destroy democratic culture** arguing for a democratic right to be a racist. **Second, how to guarantee that once a regime of content control** online **is in place, it will not be used to silence other voices that at some future moment in time are considered** to be **undesirable by a majority?** And do we really want content on the internet controlled, monitored and filtered on a permanent basis? This is, however, by no means a plea for complacency and/or ignorance, but to carefully think through the implications of intervention to exclude voices from public spaces of communication and interaction all together. Efforts to combat the incitement of hatred through democratic and legal ways should be encouraged, ‘in order to to secure a minimum of civility’ (Rosenfeld, 2001: 63). Exposure in the mainstream media of those that produce such discourses and formal legal complaints by racism watchdogs are important and fairly effective tools for achieving that (except when anonymity is invoked). The embracement of censorship of online content by democratic societies in addition to this, would not only represent crossing the rubicon, but also focuses merely on removing some of the symptoms of racism, not the root causes of it.

#### UC proves – government interests aggressively pushed anti-BDS speech codes. \

Conor **Friedersdorf 16** (a staff writer at The Atlantic, where he focuses on politics and national affairs; the founding editor of The Best of Journalism) “The Glaring Evidence That Free Speech Is Threatened on Campus” The Atlantic, March 4, 2016. http://www.theatlantic.com/politics/archive/2016/03/the-glaring-evidence-that-free-speech-is-threatened-on-campus/471825/

Or forget big speeches and look to another example of left-leaning speech that is threatened. As Glenn Greenwald wrote at The Intercept, “One of the most dangerous threats to campus free speech has been emerging at the highest levels of **the U**niversity of **C**alifornia **system**, the sprawling collection of 10 campuses that includes UCLA and UC Berkeley. The university’s **governing Board of Regents, with the support of University President** Janet **Napolitano and egged on by the state**’s **legislature**, **has been attempting to adopt new speech codes that**—**in the name of combating ‘anti-Semitism’**—**would formally ban various forms of Israel criticism.”** He continued: Under the most stringent such regulations, **students found** to be **in violation of these codes would face suspension or expulsion. In July, it appeared that the Regents were poised to enact the most extreme version, but decided** instead **to push the decision off** until September, when they instead would adopt non-binding guidelines to define “hate speech” and “intolerance.” **One of the Regents most vocally advocating for the most stringent version** of the speech code **is Richard Blum, the multi-millionaire defense contractor** who is **married to Sen.** Dianne **Feinstein** of California. At a Regents meeting last week, reported the Los Angeles Times, **Blum expressly threatened that Feinstein would publicly denounce the university if it failed to adopt far more stringent standards** than the ones it appeared to be considering, and specifically demanded they be binding and contain punishments for students found to be in violation. The San Francisco Chronicle put it this way: “Regent Dick Blum said his wife, U.S. Sen. Dianne Feinstein, D-Calif., ‘is prepared to be critical of this university’ unless UC not only tackles anti-Jewish bigotry but also makes clear that perpetrators will be punished.” The lawyer Ken White wrote that “Blum threatened that his wife … would interfere and make trouble if the Regents didn’t commit to punish people for prohibited speech.” As campus First Amendment lawyer Ari Cohn put it the following day, “Feinstein and her husband think college students should be expelled for protected free speech.”

1. Presume aff- a) the neg won 8 percent[[1]](#footnote-2) more rounds at octas and quarters bids in 2015. Prefer statistics since they take into account all factors leading to the side bias, so any logical argument for why the aff should have an advantage is empirically denied b) 7-4-6 rebuttal time skew means they get more adaptive speech time c) they knew the aff 20 minutes before but I didn't know the NC so they had much more prep time. This means you reject theory not weighed against the side bias, since something I do that is slightly abusive is actually good because it just corrects for the side bias.

**2)** No 2NR theory or metatheory-a) It skews my time because the I only have 3 minutes to respond to 6 minutes so he has more time on the theory debate b) no judge will vote on a 2ar rvi so it’s a no risk issue that can eat up the little amount of time I have. If we each spend a minute on theory the skew will be 5-2 which is worse than 6-3. **And,** no 2NR RVIs – they could always collapse to theory in the 2N with long scripts I couldn’t have predicted since the justification wasn’t there when I made my choice, that’s strat skew.

3) Neg must have only one unconditional route to the ballot: this does not mean that you can have any number of conditional routes to the ballot, just one unconditional one. Strat skew: otherwise it gives them too many strategic outs and places an unfair burden for the aff to access the ballot. The neg will always be ahead because they can pick the route the aff necessarily undercovers because of the 4 minute 1AR, while the aff only has the option to read one AC. Strat skew is key to fairness because we need a coherent strategy to have an equal ability to win.

1. Vbriefly. “LD Side Bias.” [Includes every round from an octas or quarters bid during the 2014-2015 season.] 3177 aff wins, 3737 neg wins. [↑](#footnote-ref-2)